IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 5426 of 2006
Date of decision : 17.10.2006

Achhan Singh

.....Petitioner.

Versus

The Satya Kam House Building Society through its Secretary & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.S.K. Sud ,Advocate
for the petitioner.

****

VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 16.3.2005 passed by the learned Civil Judge (Sr. Divn.), Jagadhri setting aside the ex parte order against respondent No.1, which is a Society registered under the Haryana Cooperative Societies Act.

The case of the applicant-respondent in the court was that Vipin Chand Mittal , who was the then Secretary of the Society has embezzled the huge amount of the society and a case has been registered against him and for that purpose he has no interest in the working of the society and, therefore, concealed the proceedings regarding pendency of the suit against the society and it came to the notice of the society only when Baldev Singh appeared in the Court and the application was moved for setting aside ex-parte proceedings, which has been allowed.

The learned counsel for the petitioner argued that the impugned order cannot be sustained as the application was moved after 11 months without application for condonation of delay. The learned trial Court has held that the application was filed within limitation from the date of knowledge and, therefore, no question arose for moving an application for condonation of delay.

The next contention of the learned counsel for the petitioner was that respondent No.1 was aware of the proceedings and it was being represented through the Secretary and it was aware of the proceedings and attending the Court, the notices sent to it were duly received by it. This contention cannot be sustained in view of the positive finding recorded by the learned Court below that Vipin Chand Mittal intentionally concealed the proceedings.

In view of this, there is no error in the jurisdiction exercised by the learned Court below which may call for interference by this Court.

Dismissed.

October 17,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**